

EXHIBIT A

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13
14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 NEVADA PROPERTY 1 LLC,

17 Plaintiff,

18 v.

19 ACTIVISION TV, INC., FOUR WINDS
INTERACTIVE LLC, and YOUNG
20 ELECTRIC SIGN COMPANY,

21 Defendants.

Case No. 2:13-CV-01245-APG-GWF

DECLARATION OF DAVID GOTHARD

Judge: Hon. Andrew P. Gordon

22 **DECLARATION OF DAVID GOTHARD**

23 1. My name is David Gothard. I am a resident of the State of Florida, and am over
24 the age of eighteen and competent to make this Declaration. This declaration is
25 based on my personal knowledge and, if called upon to do so, I will testify that the
26 facts stated herein are true and accurate.

27 2. Since October 2006, I have been President and CEO of Activision TV, Inc.,
28

Defendant in this action.


3. Activision is incorporated in Delaware. Activision's principle place of business is in Naples, Florida with a branch office in Honolulu, Hawaii.
4. Activision has no offices, operations, or personnel in Nevada.
5. Activision is not licensed or registered to do business in Nevada.
6. Activision has never made any sales or provided any services in Nevada, either directly or through the stream of commerce. Activision has not entered into any licenses with any company incorporated or headquartered in Nevada. Activision has never had any offices in Nevada.
7. Activision has never initiated any litigation in Nevada.
8. Activision is represented approximately twice a year at trade shows in Nevada, but Activision has never registered as a vendor or sponsor or maintained a booth or display at such trade shows since starting the Company.
9. Activision's website does not specifically solicit residents of Nevada. Activision does not otherwise advertise in Nevada.
10. Activision has not had any direct contact with the Cosmopolitan Hotel or with Nevada Properties 1, LLC prior to this action other than a letter sent in March 2013 and a series of phone calls and emails between counsels to discuss a possible license to Activision's patents to cover digital signage employed by the hotel.
11. Ad Media Displays ceased all business operations in December 2007 in Nevada.
12. The phone number 702.895.8861 was formerly Ad Media Displays' phone number. Since approximately August of 2007, callers calling 702.895.8861 have been forwarded to Denice Hetkowski's cell phone.
13. Denice Hetkowski is an officer and director of Activision and has lived in Florida since January 2011.
14. P.O. Box. 98314, Las Vegas, Nevada 89193 does not belong to Activision.
15. To the best of my knowledge, no representative of Activision, or third party on Activision's behalf, has ever asserted in any communication with Four Winds

1 Interactive LLC, Young Electric Sign Company or the public in general that Four
2 Winds Interactive LLC or Young Electric Sign Company is or has directly or
3 indirectly infringed U.S. Pat. Nos. 6,215,411; 6,384,736; 8,330,613; or 7,369,058.

4 FURTHER DECLARATN SAYETH NAUGHT.

5
6 PURSUANT TO 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the
7 laws of the United States of America that the foregoing is true and correct.

8
9 Executed on: December 11, 2013


David Gothard